

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TIMOTHY J. SIMS,

Plaintiff,

No. 1:16-cv-00870 WJ/KBM

FIRST AMERICAN PROPERTY &
CASUALTY INSURANCE COMPANY,
ROBERT DALTON, and MICHAEL
HENDRICKSON,

Defendants.


STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER having come before the Court on the Joint Motion for Dismissal with Prejudice by Plaintiff Timothy J. Sims and Defendants First American Property & Casualty Insurance Company, Robert Dalton, and Michael Hendrickson (collectively “the Parties”), and the Court having considered the Joint Motion and being otherwise advised in the premises hereby **FINDS:**

The Parties have entered into a settlement of all issues of law and fact in this case, agreed that all claims that were asserted herein or which could have been asserted arising out of the fire at Plaintiff’s home on December 12, 2014, by and between the parties are to be dismissed with prejudice, agreed to bear their own costs and attorneys’ fees, and requested that this Court issue an order of dismissal with prejudice dismissing Plaintiff’s Complaint for Breach of Contract, Violations of the Unfair Insurance Practices Act, Violations of the Unfair Practices Act, Twisting, Bad Faith, Fraud, Negligent Misrepresentation, Intentional Infliction of Emotional Distress, and Declaratory Judgment Against Defendants First American Property & Casualty Insurance Company, Robert Dalton, and Michael Hendrickson.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

- I. Plaintiff's Complaint for Breach of Contract, Violations of the Unfair Insurance Practices Act, Violations of the Unfair Practices Act, Twisting, Bad Faith, Fraud, Negligent Misrepresentation, Intentional Infliction of Emotional Distress, and Declaratory Judgment Against Defendants First American Property & Casualty Insurance Company, Robert Dalton, and Michael Hendrickson is dismissed with prejudice
- II. All claims that have been asserted or that could have been asserted arising out of the fire at Plaintiff's home on December 12, 2014, which was the subject of the Complaint, by and between the Parties are dismissed with prejudice.
- III. The parties are to bear their own costs and attorneys' fees.
- IV. The parties are ordered to carry out the terms of their settlement.


UNITED STATES DISTRICT JUDGE

Submitted by:

RILEY, SHANE & KELLER, P.A.

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